



# BOARD OF PAROLE HEARINGS



## **Panel Attorney Appointment Process Mentally Disordered Offenders Hearings Effective April 15, 2014**

**Purpose:** To comply with Title 15, section 2256, which requires the Board of Parole Hearings (Board) provide inmates and parolees with attorney representation at state expense if they cannot afford to retain a private attorney for their Board hearing; and to do so in a transparent, evenhanded and standardized way.

Upon appointment by the Board, panel attorneys shall provide legal services to all inmates and parolees seeking representation at state expense scheduled for hearings at the assigned prison. The panel appointment process shall be designed to provide, on average, one week per month of assignments to each attorney on the active list of each panel.

**Minimum Qualifications:** Active attorneys may represent parolees at Mentally Disordered Offender (MDO) hearings by satisfying the following minimum qualifications (MQs):

- (1) Provide proof of “active” status and “good standing” with the California State Bar annually (a copy of said information from the [calbar.ca.gov](http://calbar.ca.gov) website will suffice);
- (2) Provide proof of malpractice insurance annually;
- (3) Provide proof of documented Tuberculosis (TB) symptom free TST/evaluation annually;
- (4) Attend the annual “Board Orientation” in full (four hours regarding MDO hearing processes and four hours regarding the Americans with Disabilities Act); and
- (5) Attend a minimum of six MDO hearings (consisting of two (2) annual, two (2) placement; and, two (2) certification hearings) since January 1, 2012, as counsel of record or an observer.

**Panel Lists:** The Board has created two panels, one panel for Atascadero State Hospital (ASH) and one panel for Patton State Hospital (PSH). Within each panel, two separate lists shall be maintained by the Board – the first list shall include the names of “active” attorneys and the second list shall include the names of “inactive” attorneys. For an attorney to maintain active status, all MQs must be

satisfied annually. For an attorney to remain inactive status, only MQ #1 (Good Standing with the State Bar) must be satisfied annually. Prior to advancing from the inactive list to the active list, attorneys shall be provided with two weeks advance notice in order to satisfy the remaining MQs. Each list shall be posted on the Board's website.

Size of

Active List:

The Board shall initially calculate the number of active attorneys on each panel by adding one attorney for every 65 hearings held between July 1, 2013, and December 31, 2013. The Board shall re-calculate the number of active attorneys needed for each panel every six months thereafter.

Application:

To be considered for one or more MDO panels, candidates must submit the following to the Board: attention "Scheduling Unit - Panel Attorney Application"

- (1) A current resume;
- (2) Proof of compliance with MQ #1 (proof of "active" status and "good standing" with the California State Bar); and
- (3) A signed copy of page four of the program description indicating acceptance of all the terms described herein.

Mailing

Attn: Scheduling Unit – MDO Panel Attorney Application  
Board of Parole Hearings  
P.O. Box 4036  
Sacramento, CA 95812-4036

Email

Tara.doetsch@cdcr.ca.gov

Candidates may apply for both ASH (Panel 14) and PSH (Panel 15) panels as they choose, but may only be awarded a total of three active lists, including parole suitability/medical parole panels (Panels 1-13).

Selection

Process:

The initial selection of attorneys for each panel, and each list therein, shall proceed as follows:

- (1) The Board shall accept applications postmarked or e-mailed no later than May 15, 2014;
- (2) All candidates who demonstrate eligibility through their application shall be ranked in order of experience, which shall be established by calculating the number of MDO hearings that each attorney conducted between

January 1, 2008, and December 31, 2013, whether state appointed or privately retained; thereafter

- (3) The first half of the active attorney list on each panel shall be filled in order of experience among the candidates who applied and were eligible for that panel;
- (4) The second half of the active attorney list shall be filled randomly among all the candidates requesting that panel who were not previously selected; and
- (5) The entirety of the inactive list shall then be filled in the same order the remaining candidates were randomly drawn.

After the initial selection process concludes, all future candidates (whether first time applicants or candidates re-applying following removal from a panel) shall be added to the inactive list in the same order that their application is post-marked.

#### Removal

##### From Panel:

When an attorney is offered an appointment by the Board and he or she declines, regardless of the reason, Board staff shall document that occurrence. When an attorney declines an appointment a second time on the same panel in one calendar year, Board staff shall notify the attorney in writing that if they decline an appointment again on that particular panel before the end of the calendar year, regardless of the reason, they will be permanently removed from that panel. In the event an attorney declines an appointment a third time on the same panel in one calendar year, regardless of the reason, Board staff shall remove that attorney from that specific panel and notify the attorney of said action and the opportunity to re-apply.

If a panel attorney demonstrably fails to review the inmate's file or ADA history in preparation for a hearing, or fails to consult with the parolee prior to the hearing, the matter shall be referred to the Executive Officer to determine whether the attorney shall be removed from all Board panels.

If a panel attorney is referred to the California State Bar for alleged misconduct by any state or federal judge or the Chief Counsel of the Board, or has been charged with a felony crime in any jurisdiction, the attorney shall be suspended from all Board panels during the pendency of the action. If a panel attorney is disciplined by the State Bar, they shall be permanently removed from all Board panels.

Voluntary

Suspension: A panel attorney may request to be suspended from all panels for good cause, as determined by the Executive Officer or designee, for no less than one month's duration.

*I agree to all of the terms described above and acknowledge that the Board has not made an offer of employment or a guarantee of appointment. I understand failure to meet or maintain the terms described above may result in my removal from the list of eligible state appointed attorneys entitled to practice before the Board.*

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
CA State Bar Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
Office Telephone Number

\_\_\_\_\_  
Cellular Number

\_\_\_\_\_  
E-mail Address

Order of Preference:

1. \_\_\_\_\_

2. \_\_\_\_\_

<b>ASH</b>	Atascadero State Hospital
<b>PSH</b>	Patton State Hospital

Note: If you already have active or inactive status for parole suitability/medical parole hearings (Panel 1-13), your order of preference for either/both Panel 14 and 15 will be added to your existing panel priority. In the cases an attorney is already active on 3 panels and is awarded (experience or lottery) either panel 14 or 15, we will contact you directly on your priority preference compared to current active panels.

July 1, 2013 - December 31, 2013

PRISON				HRGS IN PAST 6 MONTH S	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S	PRISON				HRGS IN PAST 6 MONTH S	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S	PRISON				HRGS IN PAST 6 MONTH S	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S	
PANEL #1	PBSP	33	1				PANEL #6	VSP	28	1			PANEL #10	CCI	44	1					
								CCWF	77	2					LAC	54	1				
	Total	33	1	2				Total	105	3	4				Total	98	2	3			
PANEL #2	HDSP	12	1				PANEL #7	CTF	164	3			PANEL #11	CIM	47	1					
	CCC	10						SVSP	45	1					CW	35	1				
	Total	22	1	2				Total	209	4	5				Total	82	2	3			
PANEL #3	CMF	112	2			PANEL #8	PVSP	37	1			PANEL #12	ISP	49	1						
	SOL	213	4					SATF	89	2					CVSP	98	2				
	SQ	109	2					COR	49	1					Total	147	3	4			
	Total	434	8	9			NKSP	9	1												
PANEL #4	FOL	66	2			PANEL #9	WSP	5		1		PANEL #13	CAL	29	1						
	SAC	43	1					KVSP	45	1					CEN	49	1				
	MCSP	53	1					ASP	141	3					RJD	69	2				
	SACCO	20	1				Total	375	9	10			Total	147	4	5					
	Total	182	5	6			CMC	166	3			PANEL #14	ASH	316	5						
PANEL #5	CHCF	5	0				Total	166	3	4				Total	316	5	5				
	SCC	5	1																		
	DVI	22										PANEL #15 (MDO)	PSH	42	1						
													Total	42	1	2					
	Total	32	1	2																	
LIFER																					
Formula		< 65 hrs	1	131 - 195 hrs	3	> 260 hrs	5														
		66 - 130 hrs	2		4			MDO													
Totals		2032		46		59															
Totals		358		6		7															